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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,463	07/31/2003	Charles H. Hoff	7241-1	5445
7590	03/13/2006		EXAMINER	
Brent P. Johnson SHERIDAN ROSS P.C. Suite 1200 1560 Broadway Denver, CO 80202-5141			SOOHOO, TONY GLEN	
			ART UNIT	PAPER NUMBER
			1723	
			DATE MAILED: 03/13/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/633,463	HOFF ET AL.	
	Examiner Tony G. Soohoo	Art Unit 1723	

All participants (applicant, applicant's representative, PTO personnel):

(1) Tony G. Soohoo. (3) \_\_\_\_\_  
 (2) Brent P. Johnson. (4) \_\_\_\_\_

Date of Interview: 07 March 2006.

Type: a) Telephonic b) Video Conference  
 c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.

If Yes, brief description: Facsimile copy of claims for discussion faxed 3/3/2006 total 17pgs.

Claim(s) discussed: 1.

Identification of prior art discussed: \_\_\_\_\_.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an attachment to a signed Office action.

Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

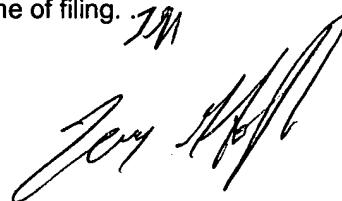
Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Amendment to the specification would address the description requirement of the features shown in Original Figure 4. Applicant discussed a reconsideration of the election by original presentation of the species to the withdrawn apparatus claims since there are only differences to the discharge. The examiner noted that there are structural differences in the each of the apparatus species, and offered applicant to positively state on the record that such differences of the not patentably distinct and are obvious variants over one another. Applicant declined. The examiner indicated that the added structure of the amended claim presents an additional structure downstream of the discharge and presents a new structure which was not examined and presented previously, thus is unable to indicate any positive or negative indication of allowable subject matter. The examiner noted that the phrase "arranged ... to said discharge device to prevent recirculation", may raise 112, 1st paragraph issues of original support whereby there appears not be a positive recitation and contemplation in the specification to support of an exclusivity of recirculation as a contemplated feature of the invention originally disclosed upon the time of filing.



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*Attachment to  
 Interview Summary  
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FACSIMILE COVER SHEET

DATE: March 3, 2006

Please deliver the following page(s) to:

Name: Examiner T. Soohoo

Facsimile Number: (571) 273-1147

Our File Number: 7241-1

Serial No.: 10/633,463

Filing Date: July 31, 2003

Total Number of Pages, including this cover page: —

Sender's Name: Brent P. Johnson

*Examiner Soohoo: Here is the proposed amendment for discussion  
 purposes for our telephonic interview on March 7th.  
 Thanks.*

**PLEASE CONFIRM RECEIPT**

If you do not receive all the pages, please call Christine Jacquet at (303) 863-9700.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RESPONSE UNDER 37 C.F.R. § 1.116  
-EXPEDITED PROCEDURE - EXAMINING GROUP 1700

In Re the Application of:	)	Group Art Unit:	1723
	)		
Hoff et al.	)	Examiner:	Soohoo, T.
	)		
Serial No.:	10/633,463	)	<u>PROPOSED AMENDMENT AFTER</u>
		)	<u>FINAL DO NOT ENTER</u>
Filed:	July 31, 2003	)	
		)	"EXPRESS MAIL" MAILING LABEL NUMBER: _____
Atty. File No.:	7241-1	)	DATE OF DEPOSIT: _____
		)	I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING
For:	METHOD AND APPARATUS FOR ADMINISTERING MICRO- INGREDIENT FEED ADDITIVES TO ANIMAL FEED RATIONS	)	DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

TYPED OR PRINTED NAME: Christine Jacquet

SIGNATURE: \_\_\_\_\_

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Dear Sir:

Applicant submits this Amendment After Final to address the Office Action having a mailing date of December 29, 2005. Also enclosed is a check in the amount of \$ \_\_\_\_\_ as the fee for the additional claims presented herein. Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970.

Please amend the above-identified patent application as follows:

*Application No. 10/633,463*

AMENDMENT TO THE SPECIFICATION

Please amend the paragraph on page 14, beginning at line 4, as follows:

Referring now to Figure 4, an alternate configuration is provided for a water curtain device 38'. For this configuration, a smaller diameter discharge tube 70 is used so that a much smaller gap exists between inner concentric tube 62 and the discharge tube 70.

Additionally, in Figure 4, the water curtain device does not utilize a flange 64; therefore, there is less acceleration of the liquid as the liquid exits. Figure 4 also illustrates that the downstream ends of the inner tube 62 and discharge tube 70 terminate substantially coterminous with one another.

*Application No. 10/633,463*

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Previously Presented) A system for measuring, dispensing and pneumatically delivering micro-ingredients to a feed ration comprising:
  - a weigh hopper;
  - a storage bin including an auger mounted thereto, said auger for metering a desired amount of a micro-ingredient into said weigh hopper;
  - a scale mounted to said weigh hopper for determining the weight of the micro-ingredient metered into said weigh hopper from said auger, said auger being activated to meter the desired amount of the micro-ingredient based upon weight indicated by said scale;
  - a transport line for delivering the micro-ingredient to the feed ration;
  - means intermediate said weigh hopper and said transport line for introducing the micro-ingredient in the transport line;
  - an eductor mounted in line with said transport line;
  - means for supplying pressurized air through said eductor and through said transport line, wherein said eductor facilitates movement of the micro-ingredient through said means for introducing and through said eductor into said transport line; and
  - a discharge device attached to a discharge end of said transport line, said discharge device including a housing body, an inner tube placed within said housing body, said inner tube

*Application No. 10/633,463*

communicating with said discharge end for receiving micro-ingredients moving through said transport line, wherein a gap defines an open space between an outer surface of said inner tube and an inner surface of said housing body, said inner tube and said body each having a downstream end terminating substantially coterminous with one another, and wherein a flow of liquid is provided through said housing body through said gap whereby as said micro-ingredients exit said discharged device, said liquid concentrically surrounds said micro-ingredients; and

means spaced from said downstream ends of said inner tube and said housing body for receiving said micro-ingredients, said means for receiving being arranged with respect to said discharge device to prevent recirculation of said micro-ingredients and liquid through said discharge device.

2. (Original) A system, as claimed in Claim 1, wherein:

5 said bin includes a plurality of bins each having a corresponding auger for metering separate micro-ingredients into said weight hopper.

3. (Original) A system, as claimed in Claim 1, wherein:

said weigh hopper includes a plurality of weigh hoppers;

said bin includes a plurality of bins each having a corresponding auger for metering separate micro-ingredients from each of said bins into corresponding weigh hoppers of said

5 plurality of weigh hoppers; and

*Application No. 10/633,463*

said means for introducing includes a plurality of means for introducing enabling the separate micro-ingredients to be introduced into the transport line.

4. (Original) A system, as claimed in Claim 3, wherein:

said scale includes a plurality of scales, one scale of said plurality of scales being mounted to each weigh hopper of said plurality of weigh hoppers for separately determining the weight of micro-ingredients in each of said weigh hoppers.

5. (Original) A system, as claimed in Claim 3, wherein:

said transport line includes a plurality of transport lines for separately conveying the micro-ingredients, said means for supplying pressurized air communicating with each of said plurality of transport lines thereby causing transport of the micro-ingredients through the plurality of transport lines.

5

6. (Original) A system, as claimed in Claim 5, wherein:

said means for supplying pressurized air includes a plurality of means for supplying pressurized air so that each transport line of said plurality of transport lines has a dedicated means for supplying pressurized air therethrough.

7-22. (Canceled)

*Application No. 10/633,463*

23. (Previously Added) A system, as claimed in Claim 1, wherein:  
said discharge device further includes a flange connected to the downstream end of said inner tube wherein said flange acts as a nozzle to accelerate liquid flowing in said gap between said inner tube and said housing body.

24. (Withdrawn) A system for measuring, dispensing and pneumatically delivering micro-ingredients to a feed ration comprising:

a weigh hopper;  
a storage bin including an auger mounted thereto, said auger for metering a desired amount of a micro-ingredient into said weigh hopper;  
a scale mounted to said weigh hopper for determining the weight of the micro-ingredient metered into said weigh hopper from said auger, said auger being activated to meter the desired amount of the micro-ingredient based upon weight indicated by said scale;  
a transport line for delivering the micro-ingredient to the feed ration;  
means intermediate said weigh hopper and said transport line for introducing the micro-ingredient in the transport line;  
an eductor mounted in line with said transport line;  
means for supplying pressurized air through said eductor and through said transport line, wherein said eductor facilitates movement of the micro-ingredient through said means for introducing and through said eductor into said transport line; and

*Application No. 10/633,463*

a discharge device attached to a discharge end of said transport line, said discharge device including a housing body, an inner tube placed within said housing body, said inner tube communicating with said discharge end for receiving micro-ingredients moving through said transport line, wherein a gap defines an open space between an outer surface of said inner tube and an inner surface of said housing body, said inner tube has a downstream end, and said housing body has a downstream end extending beyond said downstream end of said inner tube to enable mixing of micro-ingredients and liquid.

25. (Withdrawn) A system for measuring, dispensing and pneumatically delivering micro-ingredients to a feed ration comprising:

a weigh hopper;

a storage bin including an auger mounted thereto, said auger for metering a desired amount of a micro-ingredient into said weigh hopper;

5 a scale mounted to said weigh hopper for determining the weight of the micro-ingredient metered into said weigh hopper from said auger, said auger being activated to meter the desired amount of the micro-ingredient based upon weight indicated by said scale;

a transport line for delivering the micro-ingredient to the feed ration;

10 means intermediate said weigh hopper and said transport line for introducing the micro-ingredient in the transport line;

an eductor mounted in line with said transport line;

*Application No. 10/633,463*

means for supplying pressurized air through said eductor and through said transport line,  
wherein said eductor facilitates movement of the micro-ingredient through said means for  
15 introducing and through said eductor into said transport line;  
a discharge device attached to a discharge end of said transport line, said discharge device  
including a housing body, an inner tube placed within said housing body, said inner tube  
communicating with said discharge end for receiving micro-ingredients moving through said  
transport line, wherein a gap defines an open space between an outer surface of said inner tube  
20 and an inner surface of said housing body; and  
a mixing tube extension attached to a downstream end of said discharge device, said  
mixing tube extension thereby promoting mixing of the micro-ingredients and liquid.

26. (Withdrawn) A system, as claimed in Claim 25, wherein:

said mixing tube extension further includes a mixing plate placed transversely within said  
mixing tube extension thereby blocking at least some portion of an inside passageway of said  
mixing tube and promoting turbulent flow of the micro-ingredients and liquid for mixing.

27. (Withdrawn) A system for measuring, dispensing and pneumatically delivering  
micro-ingredients to a feed ration comprising:

a weigh hopper;  
a storage bin including an auger mounted thereto, said auger for metering a desired  
5 amount of a micro-ingredient into said weigh hopper;

*Application No. 10/633,463*

a scale mounted to said weigh hopper for determining the weight of the micro-ingredient metered into said weigh hopper from said auger, said auger being activated to meter the desired amount of the micro-ingredient based upon weight indicated by said scale;

a transport line for delivering the micro-ingredient to the feed ration;

10 means intermediate said weigh hopper and said transport line for introducing the micro-ingredient in the transport line;

an eductor mounted in line with said transport line;

means for supplying pressurized air through said eductor and through said transport line,

wherein said eductor facilitates movement of the micro-ingredient through said means for introducing and through said eductor into said transport line; and

15 a mixing manifold connected to a discharge end of said transport line for mixing a stream of liquid and the micro-ingredients passing therethrough, said mixing manifold including a housing, a first inlet port communicating with said housing and arranged substantially parallel to a longitudinal axis of said housing, a second inlet port communicating with said housing and arranged at an angle to said longitudinal axis, wherein the liquid is introduced through said second inlet port and said micro-ingredients are introduced through said first inlet ports for mixing of the micro-ingredients and liquid within the housing.

28. (Withdrawn) A system, as claimed in Claim 27, wherein:

20 said second inlet port includes a tapered downstream end disposed within said housing for accelerating flow of liquid therethrough.

*Application No. 10/633,463*

29. (Withdrawn) A system for measuring, dispensing and pneumatically delivering micro-ingredients to a feed ration comprising:

a weigh hopper;

a storage bin including an auger mounted thereto, said auger for metering a desired

5 amount of a micro-ingredient into said weigh hopper;

a scale mounted to said weigh hopper for determining the weight of the micro-ingredient metered into said weigh hopper from said auger, said auger being activated to meter the desired amount of the micro-ingredient based upon weight indicated by said scale;

a transport line for delivering the micro-ingredient to the feed ration;

10 means intermediate said weigh hopper and said transport line for introducing the micro-ingredient in the transport line;

an eductor mounted in line with said transport line;

means for supplying pressurized air through said eductor and through said transport line, wherein said eductor facilitates movement of the micro-ingredients through said means for 15 introducing and through said eductor into said transport line;

a first discharge device attached to a discharged end of said transport line, said discharge device including a housing, a first inlet port for receiving a flow of the micro-ingredients from said transport line, a second inlet port communicating with a source of liquid for providing liquid to said housing and for mixing with the micro-ingredients; and

20 a second discharge device connected to a downstream end of said first discharge device, said second discharge device comprising at least one of a static mixer and an eductor.

*Application No. 10/633,463*

30. (Withdrawn) A system, as claimed in Claim 29, wherein:

    said static mixer includes a pattern of internal baffles mounted therein.

31. (Withdrawn) A system, as claimed in Claim 29, wherein:

    said eductor includes an interior tube disposed within said eductor for providing a supply of liquid into the eductor.

32. (New) A system, as claimed in Claim 1, wherein:

    said discharge device further includes a mixing plate suspended transversely across a mixing tube extension connected to the downstream end of said housing body.

*Application No. 10/633,463*

REMARKS/ARGUMENTS

Claims 10-22 have been canceled as being directed to a non-elected invention. Applicant preserves its right to pursue a divisional application for these claims. The Examiner constructively elected Claims 24-31 as being directed to a non-elected invention. Applicant respectfully traverses this constructive election by the Examiner. Independent Claim 24 claims the same primary elements as Claim 1, except for specific details of the discharge device. Specifically, Claim 24 requires that the housing body has a downstream end extending beyond said downstream end of said inner tube to enable mixing of micro-ingredients. This modification to the claimed discharge device cannot be fairly interpreted as claiming an entirely new combination. Independent Claim 25 also claims the same primary elements as Claim 1, except that the discharge device is claimed more broadly, and the mixing tube extension element has been added. The mixing tube extension is shown in the preferred embodiment of Figure 6 as mixing tube extension 74. This modification to the claimed combination does not present a new combination that warrants an election of species. Independent Claim 27 claims the same primary elements as Claim 1, but adds the claimed mixing manifold. Original Claim 8 (now canceled) claimed the mixing manifold. Original Claim 8 depended from Claim 1. Claim 27 therefore claims the same basic elements as claimed in original Claim 8. Therefore, Claim 27 cannot be interpreted as a patentably distinct species. It is also noted that Claim 8 was grouped with the original Group I in the restriction requirement dated August 9, 2005. Claim 29 claims the same primary elements as Claim 1, but adds a second discharge device. The addition of this second discharge device does not warrant identification of the claim as corresponding to a patentably

*Application No. 10/633,463*

distinct species. The remaining new claims, namely, 26, 28, 30 and 31 depend directly or indirectly from Claim 25, 27 and 29, respectively. Therefore, the Examiner's constructive election should be withdrawn.

Claims 1-6 were rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. Specifically, the Examiner stated

"the specification fails to adequately provide support and describe the inner tube and body and which is "terminating substantially coterminous with one another"".

Applicant respectfully traverses this rejection. Figure 4 clearly illustrates the inner tube and the housing body each having a downstream end terminating substantially coterminous with one another. Additionally, in order to distinguish the embodiment in Figure 5, page 14, lines 9-14 state that the device shown in Figure 5 is the same as Figure 4 except the discharge tube extends downstream beyond the discharge end of the inner concentric tube. Inherent features of the inventions such as disclosed in the Figures do not require a detailed discussion in the description, particularly for the clear mechanical relationships shown in Figure 4. The Examiner has not stated that Figure 4 does not illustrate this feature, nor has the Examiner stated that Figure 4 is otherwise deficient with illustrating this feature. Therefore, this rejection under Section 112 should be withdrawn. Alternatively, Applicant has amended the description to further recite that the inner tube and body terminate substantially coterminous with one another.

Claims 1-6 were rejected under Section 103 as being unpatentable over Barlow in view of Fassauer and further in view of Winn, Jr. Applicant respectfully traverses this rejection.

*Application No. 10/633,463*

Claim 1 has been amended to further recite means spaced from the downstream ends of the inner tube and the housing body for receiving liquid and micro-ingredients, the means for receiving being arranged with respect to the discharge device to prevent recirculation of the micro-ingredients and liquid through the discharge device. Even if it were obvious to combine Barlow with Fassauer, Claim 1 as amended clearly distinguishes over the combination of these two references with Winn, Jr. Winn is specifically directed to an apparatus for continuously mixing dry bulk material with a liquid to form a slurry. In the device, the material is recirculated through a recirculation line that is integrally formed with the mixing apparatus. Additionally, in order to achieve recirculation, the mixing device must be placed within the device which holds the slurry mix in order that a pump may receive the slurry and recirculate the same through the recirculation line. In the present invention, as clearly shown in the figures and as described in the description, the micro-ingredients are not recirculated; rather, the micro-ingredients and liquid are simply discharged into some means for receiving the material, shown in the preferred embodiment as feed mixer 40.

Claims 3-6 were rejected under §103, the Examiner further indicating that duplication of essential working parts of a device involves only routine skill in the art. (citing St. Regis Paper Co. v. Bemis Co., 193 USPQ 8). To the extent the Examiner takes judicial notice that the subject matter of Claims 2-6 is obvious, Applicant specifically traverses this conclusion, and requests that the Examiner provide documentary evidence which supports the Examiner's conclusion. The prior art of record does not show any duplication of components. Therefore, this rejection under §103 should be withdrawn.

*Application No. 10/633,463*

Claim 23 was rejected under §103 as being unpatentable over Barlow in view of Fassauer, and further in view of Winn, Jr., and further in view of Pomerleau. Applicant respectfully traverses this rejection. Even if it were obvious to combine the teachings of Barlow, Fassauer, and Winn, Jr., Pomerleau fails to cure the deficiencies of the other references with respect to the subject matter of Claim 23. Specifically, Claim 23 requires that the discharge device further includes a flange connected to the downstream end of the inner tube wherein the flange acts as a nozzle to accelerate liquid flowing in the gap between the inner tube and the housing body. Pomerleau discloses a mixer for solids and liquids. As shown in Figure 2, air travels through pipe/conduit 7, and solid material travels through pipe 2. Liquid is introduced through manifold 15, and is added to the solid material downstream, as shown in the Figure. The arrangement of the flared portion 4 does not accelerate liquid in Pomerleau; rather, air is the element which is accelerated, and liquid is introduced separately through the separate manifold system. The specific purpose of the invention in Pomerleau is for intimate mixing of the liquid and solid material. On the contrary, the subject matter of Claim 23 provides a liquid curtain for dust control. (See page 13, lines 17-22, page 14, lines 1-3). The invention in Pomerleau is provided for a completely different purpose, and it cannot be obvious to combine the features of Pomerleau with the other references to obviate the subject matter of Claim 23. Therefore, this rejection under Section 103 should be withdrawn.

New claim 32 has been added to further claim the present invention. Specifically, claim 32 corresponds to the discharge device shown in the preferred embodiment at Figure 6. Claim 32 requires the discharge device to further include a mixing plate suspended transversely across a

*Application No. 10/633,463*

mixing tube extension connected to the downstream end of the housing body. The references of record at least failed to disclose the claimed mixing plate suspended transversely across the mixing tube extension connected to the downstream end of the housing body. Therefore, new claim 32 should be allowed.

Applicant has made a sincere effort to place the application in a condition for allowance; therefore, such favorable action is earnestly solicited. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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